IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

WP(C).No. 12783 of 2007(V)

PETITIONER:

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1. ROY FRANCIS, S/O.K.C.FRANCIS,
AMALA BHAVAN, KURUTHUKULANGARA HOUSE,
WADAKKANCHERY, THRISSUR DISTRICT.

2. BENNY.K.T., S/O.THOMAS,
KUNALIL HOUSE, WADAKKANCHERY, THRISSUR DISTRICT.

BY ADV. SRI.JIJO PAUL
SRI.BABU S. NAIR

RESPONDENTS:

THE WADAKKANCHERY GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, P.O.WADAKKANCHERY,
THRISSUR DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 12783 of 2007

Dated this 12th day of April, 2007

JUDGMENT

The petitioners, who own contiguous properties by virtue of Exts.P1 and P2 claim that, they are constructing building on the properties covered by Exts.P1 and P2 as a joint venture. Ext.P7 is a plan which takes in properties covered by Exts.P1 and P2. The first petitioner has been issued with Ext.P8 notice, in which it is stated that construction, which is undertaken by the first petitioner is in violation of Rule 220(b). If the case of the petitioners that they are jointly constructing building upon their contiguous properties covered by Exts.P1 and P2 as shown in Ext.P7 is correct, then their claim that the proposed construction will not violate Rule 220 (b) will also be correct.

2. Whatever that be, I do not propose to decide the issue in the absence of the Panchayat before me. All concerned parties will treat Ext.P8 as a notice only. The petitioners will file objection to Ext.P8 within 7 days from today. Along with the

objection they will produce Ext.P7 and any materials, which will convince the Panchayat that the building is being constructed as a joint venture by the petitioners. The Panchayat will consider the objection and the materials produced by the petitioners and take a decision. Decision as directed above will be taken by the Panchayat within 10 days of receiving the objection and materials from the petitioners.

The writ petition is disposed of as above.

PIUS C.KURIAKOSE
Judge

dpk